

REMARKS

The Official Action mailed May 20, 2005, has been received and its contents carefully noted. This response is filed within three months of the mailing date of the Official Action and therefore is believed to be timely without extension of time. Accordingly, the Applicants respectfully submit that this response is being timely filed.

The Applicants note with appreciation the consideration of the Information Disclosure Statements filed on April 5, 2002, October 30, 2002, and November 11, 2004.

Claims 1-80 are pending in the present application, of which claims 1, 10, 46-49, 66, 67 and 78 are independent. Claims 10, 43, 47, 67, 78 and 80 have been amended to better recite the features of the present invention. Claims 1-9, 12, 14, 16, 18, 20, 22, 24, 26, 28, 30, 32, 34, 36, 38, 40, 42, 44, 46, 48, 50, 52, 54, 56, 58, 60, 62, 64, 66, 68, 70, 72, 74 and 76 have been withdrawn from consideration by the Examiner (page 2, Paper No. 0505). Accordingly, claims 10, 11, 13, 15, 17, 19, 21, 23, 25, 27, 29, 31, 33, 35, 37, 39, 41, 43, 45, 47, 49, 51, 53, 55, 57, 59, 61, 63, 65, 67, 69, 71, 73, 75 and 77-80 are currently elected, of which claims 10, 47, 49, 67 and 78 are independent. For the reasons set forth in detail below, all claims are believed to be in condition for allowance. Favorable reconsideration is requested.

The Official Action objects to the drawings under 37 CFR § 1.83(a) asserting that "they fail to show the second semiconductor film containing a noble (rare) gas element" and that "the drawings fail to show, what appears to [be] two additional semiconductor films one having amorphous structure and another having a crystalline structure as described in the specification (See Figures 2A-2G, page 17, lines 2-8)" (page 3, Paper No. 0505). However, a drawing is required only when the "subject matter admits of illustration." The Applicants respectfully submit that a semiconductor film containing a noble gas element, having an amorphous structure or having a crystalline structure do not readily admit of illustration.

In any event, it is noted that reference number 207 denotes a second semiconductor film containing a noble (rare) gas element, which is supported in the specification (Figure 2D, page 17, lines 10-11). Also, the Applicants have amended the specification at page 17, lines 3-5, to clarify that second semiconductor film 206 may contain an inert gas element, have an amorphous structure, and/or have a crystalline structure. Reconsideration and withdrawal of the objections to the drawings are respectfully requested.

In response to a request at page 4 of the Official Action, the Applicants will correct any errors in the specification of which the Applicants become aware.

The Official Action rejects claims 10, 11, 13, 15, 17, 19, 21, 23, 25, 27, 29, 31, 33, 35, 37, 39, 41, 43, 45, 47, 49, 51, 53, 55, 57, 59, 61, 63, 65, 67, 69, 71, 73, 75 and 77-80 under 35 U.S.C. § 112, second paragraph, asserting that "[it] is indefinite whether 'an upper layer' is an additional layer formed on the second semiconductor film, or if 'an upper layer' is formed on an upper surface of the second semiconductor film" (page 5, Paper No. 0505). In response, in claims 10, 47, 67 and 78, "an upper layer" has been changed to "a region."

The Official Action rejects claim 43 and 80 for lack of antecedent basis for the "third semiconductor film" in line 2 and for "a noble gas element on the first semiconductor film" in lines 3-4, respectively. In response, claim 43 has been amended to recite "a second semiconductor film," and claim 80 has been amended to replace "semiconductor film" with "region."

The Applicants respectfully submit that claims 10, 43, 47, 67, 78 and 80 are definite as amended. Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. § 112 are in order and respectfully requested.

The Official Action rejects claims 10, 11, 13, 15, 17, 19, 21, 25, 27, 29, 31, 33, 35, 37, 39, 41, 43, 45, 47, 49, 53, 55, 57, 59, 61, 63, 65, 67, 71, 73, 75 and 77-80 as obvious based on the combination of U.S. Patent No. 5,789,284 to Yamazaki et al. and U.S. Patent No. 6,670,259 to Chan. The Official Action rejects claims 23, 51 and 69 as


obvious based on the combination of Yamazaki, Chan and U.S. Patent No. 6,291,888 to Bhat et al.

In order to overcome these rejections, a verified English translation of priority application JP 2001-040837 filed February 16, 2001, will be filed as soon as it is complete and received from Japan. Since Chan has an earliest effective U.S. filing date of February 21, 2001, which is later than the filing date of JP '837, the Applicants respectfully submit that the rejection under § 103 should be overcome. Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. § 103 are in order and respectfully requested.

The Examiner's attention is directed to JP 05-109737, which was submitted with the Information Disclosure Statement filed on April 5, 2002. JP '737 discloses gettering by using argon (see paragraph [0007], line 9, of the full English translation).

Should the Examiner believe that anything further would be desirable to place this application in better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,



Eric J. Robinson
Reg. No. 38,285

Robinson Intellectual Property Law Office, P.C.
PMB 955
21010 Southbank Street
Potomac Falls, Virginia 20165
(571) 434-6789